

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

JESSICA JAUCH

PLAINTIFF

VERSUS

NO. 1:15CV75-SA-RP

CHOCTAW COUNTY, ET AL.

DEFENDANTS

MOTION FOR ATTORNEYS' FEES, COSTS AND EXPENSES

Comes now the Plaintiff, Jessica Jauch, by and through counsel of record, and files her Motion for Attorneys' Fees, Costs and Expenses. For cause, Ms. Jauch shows the Court as follows:

1. On March 19, 2019, a jury awarded Jessica Jauch \$250,000.00 in damages against the defendants' for violating her right to due process under the Fourteenth Amendment. Judgment on the jury verdict was entered on March 26, 2019.

2. Ms. Jauch now seeks reasonable attorneys' fees, costs and expenses, in accordance with 42 U.S.C. § 1988.

3. Ms. Jauch was represented throughout this litigation by Victor I. Fleitas. Ms. Jauch was represented by Michael T. Kirkpatrick before the Supreme Court of the United States.

4. In support of this motion, Ms. Jauch attaches to this motion the Declaration of Victor I. Fleitas, Exhibit "A."

5. Attached to the Declaration of Victor Fleitas, as Exhibit "1," is an Attorney's

Fee, Costs and Expense sheet setting forth the date of work, the work performed, the hours worked, the hourly rate and the attorney's fee requested, along with the costs and expenses in this matter.

6. The time billed in the Attorney's Fee, Costs and Expenses sheet relates to matters typically associated with litigating a case and preparing it for trial. The sheet indicates the time which was spent investigating the facts, researching the legal claims, communicating with the client and opposing counsel, reviewing documents, attending case conferences, drafting and responding to dispositive motions, drafting appellate briefs, preparing for oral argument, attending oral argument, drafting a response to a petition for rehearing *en banc*, drafting a response in opposition to a petition for *certiorari*, preparing for trial, and trying this case to a jury.

7. Counsel exercised billing judgment as to the hours worked. Counsel excluded entries for any work unsupported by a contemporaneous record; counsel reduced the time for any work conducted to take into account activities not normally performed by an attorney; counsel excluded the time for any work duplicating the work of co-counsel; and counsel excluded entries for any work done in connection with the preparation and filing of this motion.

8. Ms. Jauch also seeks costs and expenses including docketing fees paid to the Court, and the Court of Appeals, and other costs and expenses. The Attorney's Fee,

Costs and Expenses sheet sets forth Ms. Jauch's reasonable and recoverable expenses.

Counsel exercised billing judgment as to the costs and expenses claimed.

9. In support of this Motion for Attorney's Fee, Costs and Expenses and attached to the Declaration of Victor Fleitas as Exhibit "2," is a document setting forth the education and legal background and the trial and appellate experience of Victor I. Fleitas.

10. As demonstrated by the Declaration of Victor Fleitas and the supporting exhibits, Victor I. Fleitas expended 226 hours of work and 20.2 hours of travel time in this civil action. Travel time is billed at one-half the hourly rate.

11. An appropriate hourly rate for Ms. Jauch's counsel based on the reasonable and customary rates for attorneys of comparable experience and ability in Mississippi is \$325.00 per hour. This hourly rate is supported by the Declaration of Jim Waide attached to the Declaration of Victor I. Fleitas as Exhibit "3," and the Declaration of Cliff Johnson attached to the Declaration of Victor I. Fleitas as Exhibit "4."

12. Based on an hourly rate of \$325.00 per hour, Ms. Jauch requests \$73,450.00 for Victor I. Fleitas' work on this civil action and \$3,282.50 for travel time connected with this civil action for a total attorney's fee of \$76,732.50.

13. Ms. Jauch also requests \$462.16 for her reasonable costs and \$3,099.96 for her reasonable expenses in this civil action.

14. In support of this motion, Ms. Jauch attaches to this motion the Declaration of Michael T. Kirkpatrick as Exhibit "B."

15. As set forth in the Declaration of Michael T. Kirkpatrick, Ms. Jauch requests a reasonable attorney's fee of \$21,965 for 38.4 hours of worked performed on the Response in Opposition to Petition for *Certiorari*.

16. Because this motion is self-explanatory, Ms. Jauch requests to be relieved from the obligation of filing a supporting memorandum of law as required under Local Rule 7(b)(2).

WHEREFORE, PREMISES CONSIDERED, the Ms. Jauch requests the Court grant her Motion for Attorneys' Fees, Costs and Expenses and award her and attorneys a fee of \$98,697.50, costs in the amount of \$462.16, and expenses in the amount of \$3,099.96.

Respectfully submitted, this the 16th day of April, 2019.

/s/ Victor Israel Fleitas

VICTOR I. FLEITAS
MS BAR NO. 10259

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Attorneys for Jessica Jauch

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2019 I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Daniel J. Griffith, Esq.
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This the 16th day of April, 2019.

/s/ Victor Israel Fleitas

VICTOR I. FLEITAS